

ENTERED

February 15, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ABEL GARCIA-PEREZ

A-1076-22,

Plaintiff,

VS.

J.E. EDDIE GUERRA, *et al.*,

Defendants.

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CIVIL ACTION NO. 7:22-CV-00130

ORDER

Pending before the Court is Plaintiff Abel Garcia-Perez' civil rights action,¹ which had been referred to the Magistrate Court for a report and recommendation. On January 17, 2024, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's complaint be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) for failure to state a claim on which relief may be granted.² The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.³ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's civil rights action is **DISMISSED** with

¹ Dkt. No. 1.

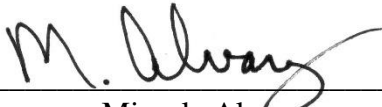
² Dkt. No. 24.

³ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United States Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n. 5 (5th Cir. April 2, 2012).

prejudice pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) for failure to state a claim on which relief may be granted, and this case is **CLOSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 15th day of February 2024.

A handwritten signature in black ink, appearing to read 'M. Alvarez', is written over a horizontal line.

Micaela Alvarez
Senior United States District Judge